

Message Text

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ORIGIN ARA-20

INFO OCT-01 ISO-00 L-03 TRSE-00 H-03 CIAE-00 INR-10

NSAE-00 RSC-01 EB-11 /049 R

DRAFTED BY ARA/MEX:TRMARTIN:AC

APPROVED BY ARA/MEX: CPTORREY

L/ARA:MR. GANTZ

CUSTOMS:MR. HEIDBREDER

H:

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FM SECSTATE WASHDC

TO AMEMBASSY MEXICO

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E.O. 11652: N/A

TAGS: PBDR, MX

SUBJECT: ANAPRA CROSSING

REF: MEXICO 4022

1. DEPARTMENT'S STATEMENT HAS BEEN MADE REPEATEDLY IN CONNECTION WITH ANAPRA AND OTHER BORDER CROSSINGS. IT IS BASED ON LONG-STANDING POLICY AND PRACTICE IN REGARD TO BOTH MEXICO AND CANADA, TO LEAVE INSPECTION ARRANGEMENTS TO INSPECTION AGENCIES AND THE GENERAL SERVICES ADMINISTRATION. SUCH ARRANGEMENTS USUALLY INVOLVE STRICTLY LOCAL CIRCUMSTANCES ON THE BORDER AND FEDERAL PERSONNEL AND FACILITIES WITH WHICH DEPARTMENT IS UNFAMILIAR AND NOT QUALIFIED TO DEAL. THEY USUALLY FOLLOW OTHER STEPS SUCH AS CONSTRUCTION OF HIGHWAYS, BRIDGES, OR DAMS, AND INSPECTION FACILITIES THAT SERVE AMPLY TO EVIDENCE FIRM INTENTIONS ON THE PART OF THE GOVERNMENTS. IN RECENT TIMES, AT LEAST, NO FORMAL AGREEMENT HAS BEEN REQUIRED FOR OPENING OF NEW BORDER CROSSINGS, SUCH AS THOSE AT FALCON

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AND AMISTAD DAMS AND NEW BRIDGES, EXCEPT THAT AT CORDOVA

ISLAND NEAR EL PASO WHERE AN EXCEPTIONAL PROBLEM EXISTED BECAUSE OF THE CHAMIZAL DISPUTE. THAT CORDOVA ISLAND STATION HAS NOW BEEN REPLACED AT ANOTHER LOCATION WITHOUT A FORMAL AGREEMENT TERMINATING THE OLD AGREEMENT (TIAS 4285) AND ESTABLISHING NEW ARRANGEMENTS.

2. IF INFRA-STRUCTURE PREPARATIONS ARE PROGRESSING IN

MEXICO AS REPORTED IN THE PRESS, SOME MEXICAN AUTHORITIES ARE EVIDENTLY OF THE SAME OPINION, BECAUSE THEY WOULD NOT UNDERTAKE SUCH CONSTRUCTION IF ITS USEFULNESS WERE DEPENDENT ON AN AGREEMENT NOT YET CONCLUDED.

3. HAVING OURSELVES PROPOSED AND PRESSED FOR OPENING OF A STATION AT ANAPRA, DEPARTMENT WOULD BE WILLING TO CONCLUDE AN AGREEMENT, SHOULD THE MEXICAN FONOFF INSIST ON ONE, RATHER THAN OBSTRUCT OR DELAY OPENING OF THE NEW STATION. WE DO, HOWEVER, SERIOUSLY QUESTION WHETHER AN AGREEMENT IS DESIRABLE. THE AGREEMENT WOULD PRESUMABLY MERELY CONFIRM AN EVIDENT INTENTION AND RECOGNIZE A PATENT FACT.

4. THE EMBASSY IS REQUESTED TO RAISE WITH FONOFF QUESTION WHETHER THE FONOFFS SHOULD AT THIS LATE DATE CREATE THE PRECEDENT OF REQUIRING FORMAL AGREEMENT IN SUCH A ROUTINE MATTER WHERE THEIR PARTICIPATION IS OF SO LITTLE SIGNIFICANCE, WHERE OBVIOUSLY AN AGREEMENT IS NOT NECESSARY FOR EITHER INITIATION OR CONTINUATION OF THE ACTIVITY, AND WHERE OTHER AGENCIES OF THE TWO GOVERNMENTS HAVE SHOWN THEIR CAPABILITY OF CONCLUDING AND COORDINATING ALL THE NECESSARY ARRANGEMENTS AND PERFORMING THEIR RESPONSIBILITIES SO ABLY AND EFFECTIVELY. IF THE FONOFF PERSISTS IN THE POSITION EXPRESSED BY CABRERA, WE SHOULD BE INTERESTED IN KNOWING WHY AN AGREEMENT IS BELIEVED TO BE DESIRABLE AND WHETHER IT IS TO BE REGARDED AS A PRECEDENT FOR ALL OTHER NEW INSPECTION STATIONS IN THE FUTURE. RUSH

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, FOREIGN POLICY POSITION, INTERGOVERNMENTAL COOPERATION, BORDER CONTROLS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 MAY 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GarlanWA
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE104966
Document Source: CORE
Document Unique ID: 00
Drafter: TRMARTIN:AC
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740125-0721
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740533/aaaabcxu.tel
Line Count: 97
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN ARA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: MEXICO 4022
Review Action: RELEASED, APPROVED
Review Authority: GarlanWA
Review Comment: n/a
Review Content Flags:
Review Date: 18 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 SEP 2002 by elyme>; APPROVED <26 FEB 2003 by GarlanWA>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ANAPRA CROSSING
TAGS: PBOR, MX, US
To: MEXICO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005